

Before the State of South Carolina
Department of Insurance

In the matter of:)	Consent Order
)	Imposing Administrative Fine
Tally A. Dapore,)	
)	Investigation File Number
392 Trapier Drive)	103166
Charleston, SC. 29412.)	

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Tally A. Dapore, a licensed State of South Carolina resident insurance agent.

Dapore hereby admits, and I find as fact, that, while licensed by the Department to do business as a resident insurance agent within the State of South Carolina, Dapore placed a life insurance policy covering the life of a State of South Carolina resident with an insurer for which he was properly licensed to transact insurance business as a State of South Carolina resident insurance agent. In order to facilitate that placement, agent Dapore allowed the granddaughter of the insured to subscribe the signature of her grandmother on the application in her absence. Dapore contended that since he had known the granddaughter for years and that she stated that she had Power of Attorney for the grandmother, he allowed her to complete the application. The Power of Attorney document had not been executed and was not legal. He further contends that he was not attempting to circumvent the insurance laws of the State but only attempting to provide insurance coverage to a consumer. Such action is in violation of S.C. Code Ann. Section 38-43-130 (1) (Supp. 1999) and can ultimately lead to revocation of his license to transact the business of insurance as a resident insurance agent in South Carolina following a public hearing at the Administrative Law Judge Division.

Rather than proceeding toward a formal public hearing, the parties agreed to submit the entire matter to me, along with the specific recommendation, for my summary decision based solely on the record. That recommendation was that Dapore would waive his right to a public hearing and pay a negotiated and consensual administrative fine of \$750 and agree to take six hours of continuing insurance education beyond that required by S.C. Code Ann. Section 38-43-106, to be completed within 90 days of the date of this order.

S.C. Code Ann. Section 38-43-130 provides, "The director or his designee may revoke or suspend an agent's license after ten days' notice or refuse to reissue a license when it appears that an agent has been convicted of a crime of moral turpitude, has violated this title or a regulation promulgated by the Department, or has wilfully deceived or dealt unjustly with the citizens of this State."

 Tally A. Dapore

After a thorough review of the record, carefully considering the recommendation of the parties, and in accordance with my findings of fact, I now conclude, as a matter of law, that Dapore has violated the law governing licensed agents, and although I can revoke Dapore's insurance agent's license, I hereby impose an administrative fine of \$750 pursuant to the authority provided to me by the State of South Carolina General Assembly in S.C. Code Ann. Section 38-2-10 (Supp. 1999). This administrative fine must be paid within ten days of my date and signature upon this Consent Order Imposing Administrative Fine. I also require Dapore to undergo six additional hours of continuing insurance education courses beyond the statutory requirement of S.C. Code Ann. Section 38-43-106 (Supp. 1999) within 90 days of the date of this order. These additional hours will not be eligible for carry-over pursuant to S.C. Code Ann. Section 38-43-106 (Supp. 1999). Dapore must provide to the Department the original certificates of attendance proving his completion of this requirement within 90 days of the date of this order. These hours may not be fulfilled via correspondence courses. If that total amount is not timely paid, or if Dapore does not provide the required proof of his timely having taken the additional continuing insurance education courses, his insurance agent's license to transact business as a resident insurance agent within the State of South Carolina may be summarily revoked without any further administrative disciplinary proceedings.

This administrative fine has been reached by the parties as a result of negotiation and compromise and in consideration of Dapore's acknowledgment that he did not attempt to circumvent the insurance laws of this State.

By his signature upon this consent order, Dapore acknowledges that he understands this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. Sections 30-4-10, *et seq.* (1991 and Supp. 1998).

Nothing contained in this administrative disciplinary order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained in this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained in this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. Section 38-3-110 (4) (Supp. 1998), of the Director of Insurance, exercised either directly or through the Department to report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore, ordered that Tally A. Dapore shall pay through the State of South Carolina Department of Insurance, an administrative fine in the total amount of \$750.

It is further ordered that a copy of this consent order shall be transmitted to the National Association of Insurance Commissioners for distribution to its member states and to each insurer for which Tally A. Dapore is currently licensed to transact business as a resident insurance agent within the State of South Carolina.

This consent order becomes effective as of the date of my signature below.

This consent order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "E.N. Csiszar", with a long horizontal stroke extending to the right.

Ernst N. Csiszar
Director

November 15, 2000 at
Columbia, South Carolina

I Consent:

A handwritten signature in black ink, appearing to read "Tally A. Dapore", written in a cursive style.

Tally A. Dapore
392 Trapier Drive
Charleston, South Carolina 29412

Dated this 10th day of November, 2000